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10/790,157	03/01/2004	David T. Horoschak	BCS03163	1004
43471	7590	05/05/2008		
Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196			EXAMINER DEAN, RAYMOND S	
			ART UNIT 2618	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/790,157	<b>Applicant(s)</b> HOROSCHAK ET AL.	
	<b>Examiner</b> RAYMOND S. DEAN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 11 have been considered but are moot in view of the new ground(s) of rejection.

Goodman et al. (US 2003/0185107), which also teaches in the field of recording audio broadcasts, teaches audible pre-defined recording triggers and selectively recording portions of a radio broadcast signal, in response to said recording triggers, for playback at a playback device at subsequent pre-selected times or intervals (Section 0058 lines 21 - 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use audible triggers of Goodman in the system of Dangberg in view of Shirato as an alternative means of achieving the same predictable result, which is recording audio broadcasts.

Examiner respectfully disagrees with Applicants' assertion regarding Claim 17. There will need to be some way of letting the user of the MP3 device know that a broadcast segment has been recorded and not played back thus prompting the user to play back the recorded segment. The user cannot possibly play back a recorded segment if he or she does not know that said segment has been recorded. This limitation is thus inherent in Dangberg.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 7, 9, 11 – 17, 20 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dangberg et al. (US 2002/0173866) in view of Shirato (US 7,280,296) and in further view of Goodman et al. (US 2003/0185107)

Regarding Claim 1, Dangberg teaches a system for time shifting radio broadcast signals, said system comprising: an audio tuner, said audio tuner tuning frequencies for reception of said radio broadcast signals (Figure 1, Section 0014, receiver (22)); and a selection recognition engine coupled to said audio tuner, said selection recognition engine monitoring said radio broadcast signals and selectively recording portions of a radio broadcast signal for playback at subsequent pre-selected times or intervals (Section 0020).

Dangberg does not teach said selection recognition engine monitoring said radio broadcast signals for pre-defined recording triggers and selectively recording portions of a radio broadcast signal, in response to said recording triggers, for playback at subsequent pre-selected times or intervals.

Shirato teaches teach said selection recognition engine monitoring said radio broadcast signals for pre-defined recording triggers and selectively recording portions of

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a radio broadcast signal, in response to said recording triggers (Col. 5 lines 4 – 7, lines 36 – 67, there is a check to see if the broadcast contents, which are the contents embedded in the broadcast signal, such as artist name and total time interval of the song match with the label message (LM), if there is a match then recording will take place).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dangberg with the above recording feature of Shirato for the purpose of providing an alternative means for recording audio thus enabling an efficient recording the desired broadcast contents as taught by Shirato.

Dangberg in view of Shirato does not teach audible pre-defined recording triggers.

Goodman, which also teaches in the field of recording audio broadcasts, teaches audible pre-defined recording triggers (Section 0058 lines 21 - 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use audible triggers of Goodman in the system of Dangberg in view of Shirato as an alternative means of achieving the same predictable result, which is recording audio broadcasts.

Regarding Claim 11, Dangberg teaches a method for time shifting radio broadcast signals, said method comprising: monitoring radio broadcast signals (Section 0020, when the clock time coincides with the time code in the broadcast signal the broadcast information will be recorded); recording at least a portion of a radio broadcast signal (Sections 0014, 0020, the receiver will be tuned to a particular frequency such

that the broadcast information can be recorded); and playing back the recorded portion of said radio broadcast signal (Sections 0019, 0020).

Dangberg does not teach monitoring radio broadcast signals for a pre-defined recording trigger; recording at least a portion of a radio broadcast signal upon an occurrence of said recording trigger.

Shirato teaches teach monitoring radio broadcast signals for a pre-defined recording trigger; recording at least a portion of a radio broadcast signal upon an occurrence of said recording trigger (Col. 5 lines 4 – 7, lines 36 – 67, there is a check to see if the broadcast contents, which are the contents embedded in the broadcast signal, such as artist name and total time interval of the song match with the label message (LM), if there is a match then recording will take place).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dangberg with the above recording feature of Shirato for the purpose of providing an alternative means for recording audio thus enabling an efficient recording the desired broadcast contents as taught by Shirato.

Dangberg in view of Shirato does not teach an audible recording trigger.

Goodman, which also teaches in the field of recording audio broadcasts, teaches audible pre-defined recording triggers (Section 0058 lines 21 - 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use audible triggers of Goodman in the system of Dangberg in view of Shirato as an alternative means of achieving the same predictable result, which is recording audio broadcasts.

Regarding Claim 2, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 1. Dangberg further teaches an audio capture memory coupled to said selection recognition engine, said audio capture memory storing recorded portions of said radio broadcast signal (Section 0014).

Regarding Claim 3, Dangberg in view of Shirato t and in further view of Goodman teaches all of the claimed limitations recited in Claim 2. Dangberg teaches wherein said audio capture memory comprises at least one of random access memory, flash memory, a hard drive, optical drive, and optical-magnetic drive (Section 0014).

Regarding Claim 4, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 1. Dangberg further teaches a digital audio player, said digital audio player providing playback of a digital audio stream (Figure 1, Sections 0008 - 0010, 0014, the digital audio appliance (10) can be an MP3 player).

Regarding Claim 5, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 1. Dangberg further teaches an audio selector, said audio selector managing an interruption of said current digital audio stream, for playback of a said recorded portion of said radio broadcast signal, and resumption of said digital audio stream previously interrupted (Figure 1, Sections 0015, 0017, 0019, only one output can be connected to the speaker via the decoder thus a user of the MP3 player can: choose to interrupt, via the input means, the current digital broadcast to listen to a recorded segment, and stop the playback, via the input means, of the recorded segment to resume the current digital broadcast).

Regarding Claim 6, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 4. Dangberg further teaches wherein said audio selector comprises a user interface (Section 0017, input means). Dangberg further teaches wherein said audio selector comprises random access memory (Section 0017, microcontrollers and microprocessors comprise memory such as random access memory).

Regarding Claim 7, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 1. Dangberg further teaches wherein said digital audio player comprises at least one of a Redbook audio player, MP3 audio player, MPEP4 audio player, and AC-3 audio player (Sections 0008 -0010).

Regarding Claim 13, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 11. Goodman further teaches wherein the record trigger comprises at least one of voice recognition, signaling tone, and pre-defined time (Section 0058 lines 21 - 23).

Regarding Claim 12, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 11. Dangberg further teaches stopping a current digital audio stream playback in response to the presence of said recorded portion of said radio broadcast signal; wherein the playing back of said recorded portion of said radio broadcast signal occurs while the current digital audio stream playback is stopped; and resuming said digital audio stream previously stopped (Figure 1, Sections 0015, 0017, 0019, only one output can be connected to the speaker via the decoder thus a user of the MP3 player can: choose to stop, via the input means,



the current digital broadcast to listen to a recorded segment, and stop the playback, via the input means, of the recorded segment to resume the current digital broadcast).

Regarding Claim 14, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 11. Dangberg further teaches where said recording comprising digitally compressing said recorded portion of said radio broadcast signal in at least one of MP3 audio, MPEP4 audio, and AC-3 audio format (Sections 0008 -0010).

Regarding Claim 15, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 11. Dangberg further teaches stopping said recording of said radio broadcast signal upon the occurrence of a stop trigger (Section 0020, the recording of the news will stop once the news broadcast is complete).

Regarding Claim 16, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 15. Dangberg further teaches at least one of a fixed time after said start of said step of recording, a pre-defined recording stop time, voice recognition, change in an orators voice, a standardized tone, and standardized event (Section 0020, the recording of the news will stop once the news broadcast is complete, said stopping will occur at a fixed time after the start of the recording of the news).

Regarding Claim 17, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 12. Dangberg further teaches the step of notifying when a recorded portion of a radio broadcast signal has been recorded

but not yet played back (Sections 0008 - 0010, 0020, See Response To Arguments above).

Regarding Claim 20, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 12. Dangberg further teaches wherein said stopping said digital audio stream in response to presence of said recorded portion of said radio broadcast signal occurs in response to a selection input, said selection input determining when to stop said digital audio stream for playback of said recorded portion of said radio broadcast signal (Figure 1, Sections 0015, 0017, 0019, only one output can be connected to the speaker via the decoder thus a user of the MP3 player can: choose to interrupt, via the input means, the current digital broadcast to listen to a recorded segment, and stop the playback, via the input means, of the recorded segment to resume the current digital broadcast).

Regarding Claim 21, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 12. Dangberg further teaches wherein said stopping said digital audio stream in response to presence of said recorded portion of said radio broadcast signal is in response to a preset default condition (Figure 1, Sections 0015, 0017, 0019).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dangberg et al. (US 2002/0173866) in view of Shirato (US 7,280,296) in view of Goodman et al. (US 2003/0185107), as applied to Claim 1 above, and further in view of Hagg (US 2003/0035072).

Regarding Claim 8, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 1. Dangberg does not teach a speech recognition unit.

Hagg teaches a speech recognition unit (Section 0038, the processor can differentiate between speech and music thus said processor comprises a speech recognition unit).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dangberg in view of Shirato and in further view of Goodman with the speech recognition unit of Hagg for the purpose of determining the segmentation of an incoming audio stream thus determining the content of the audio stream as taught by Hagg.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dangberg et al. (US 2002/0173866) in view of Shirato (US 7,280,296) in view of Goodman et al. (US 2003/0185107), as applied to Claim 1 above, and further in view of Miyazaki et al. (4,387,469)

Regarding Claim 9, Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 1. Dangberg in view of Shirato and in further view of Goodman does not teach wherein the selection recognition engine comprises a frequency detection unit.

Miyazaki, which also teaches a receiver that receives radio broadcasts, teaches a frequency detection unit (Figure 1, frequency detector (5)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dangberg in view of Shirato and in further view of Goodman for the purpose creating a versatile receiver that can receive short wave broadcasts and that can automatically select the best wave in consideration of wave conditions of short waves as taught by Miyazaki.

6. Claims 18 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dangberg et al. (US 2002/0173866) in view of Shirato (US 7,280,296) in view of Goodman et al. (US 2003/0185107), as applied to Claim 17 above, and further in view of Engstrom (US 2004/0171377).

Regarding Claims 18, 19 Dangberg in view of Shirato and in further view of Goodman teaches all of the claimed limitations recited in Claim 17. Dangberg in view of Shirato and in further view of Goodman does not teach an audible/visual indication.

Engstrom, which also teaches notification that a broadcast has be recoded, teaches an audible/visual indication when a broadcast signal has been recorded but not yet played back (Sections 0062 lines 4 – 8, 0066 lines 8 – 10, the notifications of Engstrom can be visual or audible).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the audible/visual indication of Engstrom in the system of Dangberg in view of Shirato and in further view of Goodman as an alternative means for achieving the same predictable result, which is notifying the user that a broadcast segment as been recorded.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/  
Primary Examiner, Art Unit 2618

Raymond S. Dean  
April 27, 2008